

Introduction

HIV has a disproportionate impact on sex workers, men who have sex with men, transgender people and people who inject drugs among other key populations. Major factors that influence HIV vulnerability and cause AIDS-related deaths include human rights violations, such as criminalisation of HIV transmission, sex work, same sex relationships, and drug use.

Concerned by the growing trend of criminalisation of our beneficiaries from these populations across the world, the Alliance has adopted a common position on decriminalisation. The position, outlined below, is a declaration of principles that our Linking Organisations and Secretariat subscribe to as members of the Alliance. The Alliance recognises the specificity of each social and political environment where our Linking Organisations operate and is committed to providing the necessary support to its members for the furtherance of this policy.

Policy Position on Decriminalisation and HIV

The Alliance subscribes to the universal human rights principle that all human beings are born free and equal in dignity and rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including sexual orientation or gender identity, occupation, health status or substance use.

The Alliance considers that the criminalisation of same sex activity between consenting adults, drug use, sex work and HIV transmission through specific legislation violates the human rights of and further stigmatises men who have sex with men, people who use drugs, sex workers, transgender people and people living with HIV. This criminalisation also severely undermines the effectiveness of the HIV response to which the Alliance has pledged to contribute.

The Alliance pledges to advocate for the reform of all legislation criminalising and discriminating these populations and for countries to repeal legislation that specifically criminalises HIV transmission, HIV exposure or failure to disclose HIV status; punishes people who use drugs solely on their grounds of such use; punishes consenting adults involved in sex work; and/or criminalises consenting adults involved in same sex sexual activity or transgender people for expressing their gender identity.

About the International HIV/AIDS Alliance

We are an innovative alliance of nationally based, independent, civil society organisations united by our vision of a world without AIDS.

We are committed to joint action, working with communities through local, national and global action on HIV, health and human rights.

Our actions are guided by our values: the lives of all human beings are of equal value, and everyone has the right to access the HIV information and services they need for a healthy life.

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Unless otherwise stated, the appearance of individuals in this publication gives no indication of either sexuality or HIV status.